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9  
10 UNITED STATES DISTRICT COURT  
11 DISTRICT OF NEVADA  
12

13 MARYBEL GOLDSMITH, an individual,

14 Plaintiff,

15 vs.

16 GEICO GENERAL INSURANCE  
COMPANY, a Maryland corporation;  
17 DOES I-X, and ROE CORPORATIONS I-  
X,

18 Defendants.  
19

CASE NO. 2:12-cv-02047-MMD-PAL

STIPULATION AND ORDER TO  
REMAND TO STATE COURT AND LIMIT  
RECOVERABLE DAMAGES TO  
\$75,000.00

20 Plaintiff, MARYBEL GOLDSMITH ("Plaintiff"), and Defendant GEICO GENERAL  
21 INSURANCE COMPANY ("Defendant"), by and through their respective counsel of  
22 record, stipulate as follows:

23 1. Plaintiff's First Amended Complaint was originally filed in the Eighth Judicial  
24 District Court, State of Nevada, on November 6, 2012, and thereafter removed to this  
25 Court on November 29, 2012 on grounds of diversity of citizenship. The Amended  
26 Complaint alleges claims for underinsured motorist benefits, bad faith, unfair claims  
27 practices and breach of fiduciary as a result of a motor vehicle accident.

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1           2.       Plaintiff stipulates that her total claimed recoverable damages against  
2 Defendant in this action do not, and will not, exceed the sum of Seventy-Five Thousand  
3 and 00/100 Dollars (\$75,000.00), exclusive of costs and interest. This stipulation that  
4 Plaintiff's total claimed damages do not exceed \$75,000.00, exclusive of costs and  
5 interest, applies to any all claims arising out of or relating to this action, regardless of  
6 claim or theory of liability and regardless of whether presently pled or not, and applies to  
7 all claimed damages whether, general, special, punitive, attorneys fees or otherwise.

8           3.       Pursuant to this Stipulation, Plaintiff will not seek to recover damages  
9 against Defendant in this action greater than \$75,000.00, exclusive of costs and interest.  
10 Under no circumstances can Plaintiff recover more than \$75,000.00, exclusive of costs  
11 and interest, from Defendant and, in no event, shall judgment be entered in favor of  
12 Plaintiff in an amount in excess of \$75,000.00, exclusive of costs and interest.

13           4.       By entering into this Stipulation, Defendant neither acknowledges nor  
14 concedes liability or damages with respect to any claims brought by Plaintiff in her  
15 Amended Complaint, or as such Complaint may hereafter be amended, and expressly  
16 denies liability and damages.

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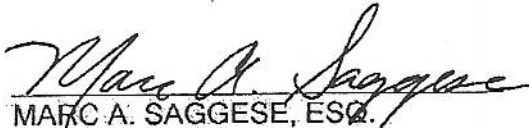
5. This action shall be remanded to the Eighth Judicial District Court for Clark County, State of Nevada, for all further proceedings, consistent with this Stipulation.

Dated this \_\_\_\_ day of January, 2013.

Dated this 9<sup>th</sup> day of January, 2013.

SAGGESE & ASSOCIATES, LTD.

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ORDER

IT IS SO ORDERED.

Dated this 9<sup>th</sup> day of January, 2013.

  
UNITED STATES DISTRICT COURT JUDGE

Submitted By:

LEWIS BRISBOIS BISGAARD & SMITH LLP

  
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